

COMMITTEE AMENDMENT FORM

DATE: 11/26/2008

COMMITTEE: ZONING COMMITTEE

PAGE NUMBER(S):

ORDINANCE I. D: 07-O-2526

SECTION(S): 1

RESOLUTION:

PARAGRAPH(S): 2

AMENDMENT:

To add 28 conditions to the legislation which includes new site plans.

Conditions for Z-07-109 for 3312-3316 Piedmont Road, N.E and 3232-3242 Peachtree Road, N.E.

1. Site plan - Level P3 entitled "Buckhead Place Master Site Plan for PD-OC Zoning" (Site Plan) dated September 24, 2008 and stamped received by the Bureau of Planning September 25, 2008.
2. The Property shall be developed as depicted on the Site Plan dated September 24, 2008 entitled "Buckhead Place Master Site Plan for PD-OC Zoning", prepared for Coro Realty Advisers, LLC by MSTSD, received by the Bureau of Planning on September 26, 2008, and attached hereto as Exhibit "B-1", which shows development of a total of 740,795 gross square feet of nonresidential uses and development of 499,205 gross square feet of residential uses in multiple buildings (hereinafter the "Site Plan").
3. J. H. Holdings shall provide adequate parking for construction workers. At no time shall construction related vehicles park on West Shadowlawn Avenue or within the Buckhead Forest subdivision, or use the subdivision's streets for delivery of construction materials. Construction staging shall not take place within the Buckhead Forest neighborhood. Instead, construction staging for the project (including all equipment, vehicles, materials storage and construction parking) shall occur entirely on the site or on commercially zoned property with the written permission of the property owner. J.H. Holdings shall prepare a Transportation Management Plan (TMP) to be approved by the City of Atlanta prior to and land disturbing activities and shall cause its contractors and subcontractors to follow such TMP. J.H. Holdings shall provide a copy of the TMP to the Buckhead Forest neighborhood association and NPU-B and shall confirm its compliance with this requirement in writing to the City. For construction activities that generate noise as defined in the City of Atlanta Noise Control Ordinance #74-137.4, working hours on the Property shall be restricted to the following:

Weekdays: 7:30 a.m. – 7:00 p.m.

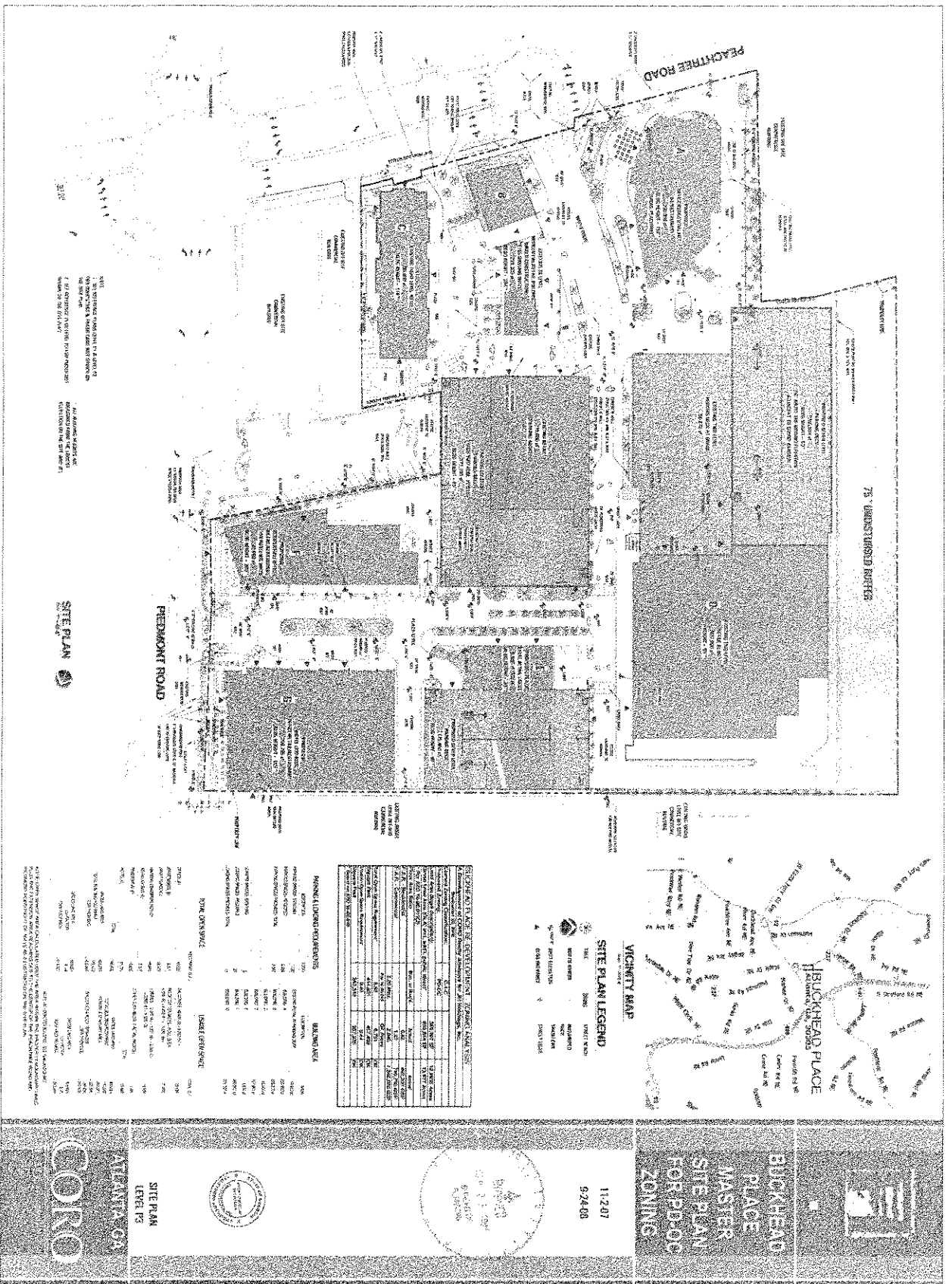
Saturdays: 9:00 a.m. – 6:00 p.m.

Sundays: Noon – 6:00 p.m.
4. During construction, J.H. Holdings shall ensure that there are adequate construction dumpsters and provide that such dumpsters will be emptied on a regular basis. Such dumpsters shall be placed a minimum of 200 feet from any single-family zoned property as to minimize any construction debris from landing on the adjacent single-family property.
5. During the period of construction, the developer will notify the presidents of Buckhead Forest neighborhood and the Chair of the Zoning Committee of NPU-B of a contact name and that contact person's cell phone number which will be answered 24 hours a day, 7 days a week regarding problems with the construction.
6. In its sale and lease documentation for the Property, J.H. Holdings agrees to prohibit use of any portion of the Property west of Driveway #1 (Maple Drive Extension) as shown on the Site Plan for a nightclub as such term is defined by the City of Atlanta Code of Ordinances.
7. The text of these Conditions of Zoning shall be printed on or contained within the notes of any set of construction and building permit site plans approved for the development.

8. The dumpster area for Building A as shown on the Site Plan: (i) shall be screened to the west by an extension of Building A or a solid wall; or (ii) shall be located under cover (i.e., within the parking deck or under the building).
9. J.H. Holdings, or its successors, shall design the storm water detention structure(s) so that the rate of runoff of storm water from the site for up to a 100-year storm shall not exceed seventy percent (70%) of the rate of flow for runoff in a predeveloped state. During construction, storm water runoff shall be limited to a rate not greater than pre-construction rate of runoff. In addition, J.H. Holdings, or its successors, agrees to install a storm water treatment system designed to screen or filter oil and other impurities from the storm water. J.H. Holdings shall provide as-built drawings of the storm water detention structure(s) and storm water treatment system to Buckhead Forest within ninety (90) days of the completion of construction. J.H. Holdings, or its successors, shall make commercially reasonable efforts to reuse storm water for at least a portion of the irrigation needs for the development. J.H. Holdings, or its successors, shall be responsible for annual inspection and maintenance of the storm water treatment system, detention structure(s) and related treatment equipment and shall provide a copy of said report to the City of Atlanta Bureau of Planning and to Buckhead Forest.
10. The proposed parking deck located adjacent to the seventy-five (75) foot natural undisturbed buffer shall be constructed substantially in accordance with the plans and elevations (the "Parking Deck Drawings") attached hereto as Exhibit "B-2". Any open spaces on the western side of the proposed parking deck located immediately adjacent to the seventy-five foot (75') undisturbed buffer as shown on the Site Plan ("Buffer Area") shall be screened from view, utilizing decorative metal grids or louvers. Lighting within the above-referenced parking deck shall not use fluorescent or high pressure sodium light fixtures. Lighting within the above-referenced parking deck shall be positioned so that the light sources are screened and not directly visible from the western property line of the Property adjacent to the single-family detached houses along West Shadowlawn Avenue.
11. There shall be no pole lighting located on any portion of the proposed parking deck located adjacent to the Buffer Area.
12. The height of any proposed building with the exception of Building A as depicted on the Site Plan located west of Driveway #1 on the Site Plan (the Maple Drive extension) and adjacent to the Buffer Area shall not exceed fifty (50) feet in height as measured from the average elevation of the ground adjacent to metal sound fence located within the Buffer Area.
13. There shall be no curb cut from the development onto West Shadowlawn Avenue.
14. No dry cleaning plants shall be allowed west of Driveway #1 on the Site Plan (the Maple Drive Extension). Dry cleaning facilities for the dropping off and picking up of clothes are permitted.
15. The use of the 75-foot Buffer Area shown along the western property line on the Site Plan shall be undisturbed.

16. J.H. Holdings shall provide the maximum of either: (a) fifty (50) bicycle parking spaces; or (b) the number of bicycle parking spaces required by the City of Atlanta, whichever is greater. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.
17. J.H. Holdings shall attempt to utilize pervious paving materials with pervious joints where such materials are economically practicable.
18. Buffer areas and protected trees within 100 feet of active construction areas on the site shall be marked using temporary tree save fencing no less than four feet in height prior to and maintained during the period of construction. All erosion control measures shall be installed outside any undisturbed buffer. J.H. Holdings shall provide adequate irrigation for all landscape modules.
19. No building permit (other than a permit limited to grubbing, grading, the installation of new or changes in modifications to existing site infrastructure, including alteration of existing interior roadways) shall be issued permitting the construction of any buildings without written assurance from the City of Atlanta's Commissioner of Public Works that sewer capacity is available and reserved for the site, or will be available to and reserved for the site prior to the completion of construction.
20. Principal uses shall be as specified on the Site Plan and all applicable conditions. Development permission for each use shall not exceed the intensities and maximum heights shown on the Site Plan.
21. The combined residential/non-residential FAR of the development shall not exceed 2.1.
22. J.H. Holdings agrees that during and after construction, no devices used for landscape maintenance or the cleaning of drives or parking structures shall be allowed to operate past 8:00 p.m., or before 7:30 a.m. on weekdays and before 10:00 a.m. on Saturdays and Sundays.
23. All dumpsters will be screened from public rights-of-way.
24. Exterior lighting on buildings and the parking deck shall be designed, shielded and constructed so as to minimize light spill over into single-family areas.
25. J.H. Holdings shall request that the City re-time and coordinate the traffic signals in the vicinity of the Property to optimize traffic progression and that transportation impact fees from this development be used for such work. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning prior to issuance of a Certificate of Occupancy.
26. Walkways and other connective measures will be designed to connect and unify the development with existing and planned walkways as well as within the development.

27. These Conditions of Zoning shall be binding upon all successors and assigns of J.H. Holdings. The subdivision, sale, or partition of all or any part of this Property shall not alter the obligation of all owners of the Property to comply with these Conditions of Zoning. J.H. Holdings will not request any administrative amendment without providing evidence that notice of such request has been given to the Chair of the Zoning Committee of NPU-B which seeks to:
- (a) increase the square footage of any building or the number and/or location of parking spaces; except as provided in Paragraph 1;
 - (b) change any of the uses or location of said uses specified except as provided in Paragraph 1;
 - (c) decrease any exterior setback or the amount of landscaped area;
 - (d) materially reduce public access or public spaces; or
 - (e) otherwise materially alter these conditions.
28. J.H. Holdings will have the right to request administrative changes without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta or to address site conditions.



NOTES:
1. SEE EXISTING MAPS AND SURVEY FOR A COMPLETE DESCRIPTION OF THE SITE AND SURROUNDING AREAS.
2. ALL DIMENSIONS ARE IN FEET AND INCHES.
3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
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SITE PLAN



VICINITY MAP

SITE PLAN LEGEND
 1. EXISTING BUILDING
 2. EXISTING PARKING LOT
 3. EXISTING DRIVEWAY
 4. EXISTING SIDEWALK
 5. EXISTING CURB

BUCKHEAD PLACE DEVELOPMENT SUMMARY

Item	Quantity	Unit	Total
Building Area	12,000	Sq. Ft.	12,000
Parking Area	1,000	Sq. Ft.	1,000
Driveway Area	500	Sq. Ft.	500
Sidewalk Area	100	Sq. Ft.	100
Curb Area	50	Sq. Ft.	50

NOTES

LEGEND

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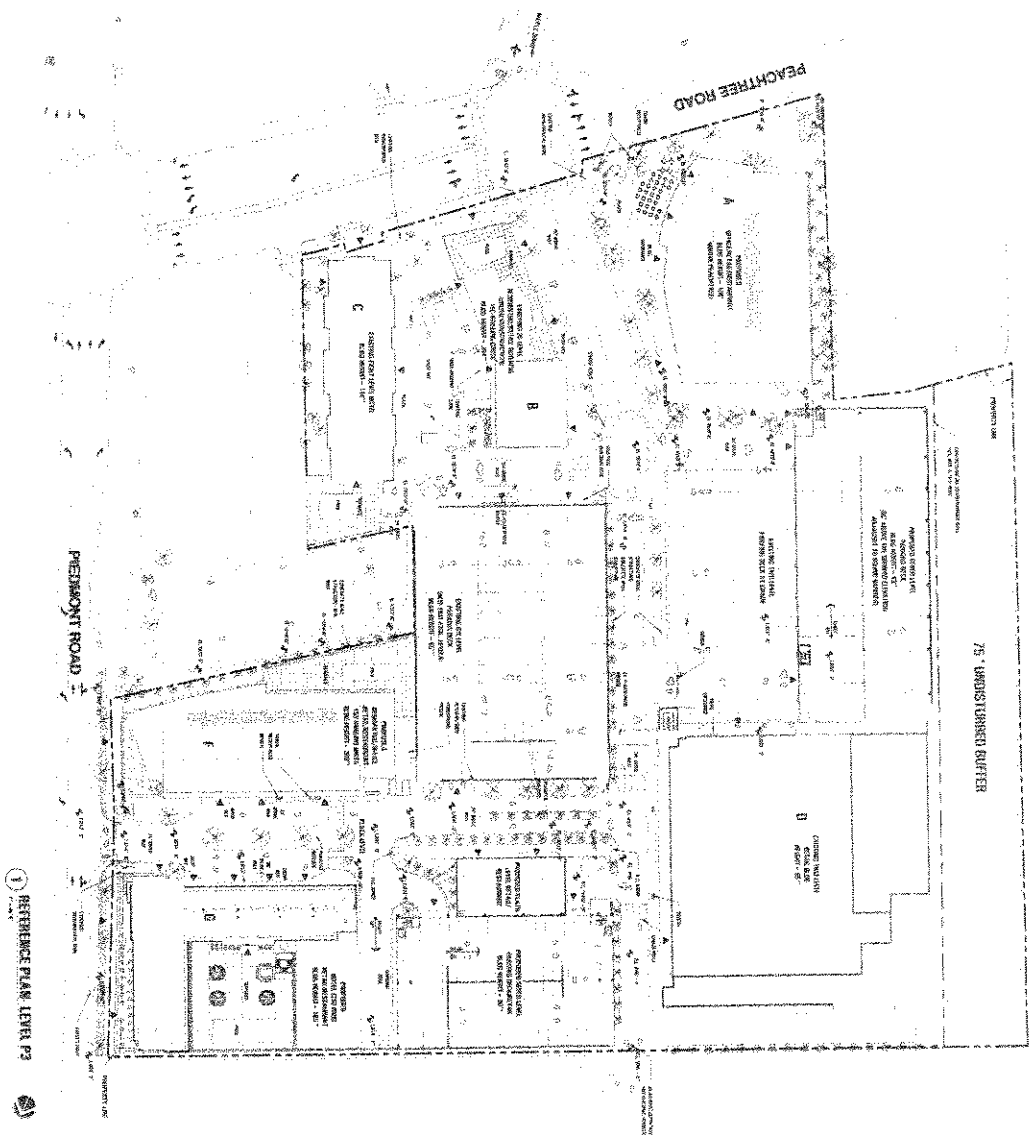
BUCKHEAD PLACE
MASTER SITE PLAN FOR PD-03 ZONING

11-207
 9-24-08

CORO
ALLEN & CO.
SITE PLAN
LEGEND

RECEIVED
 SEP 25 2008
 Bureau of Planning

2-07-109

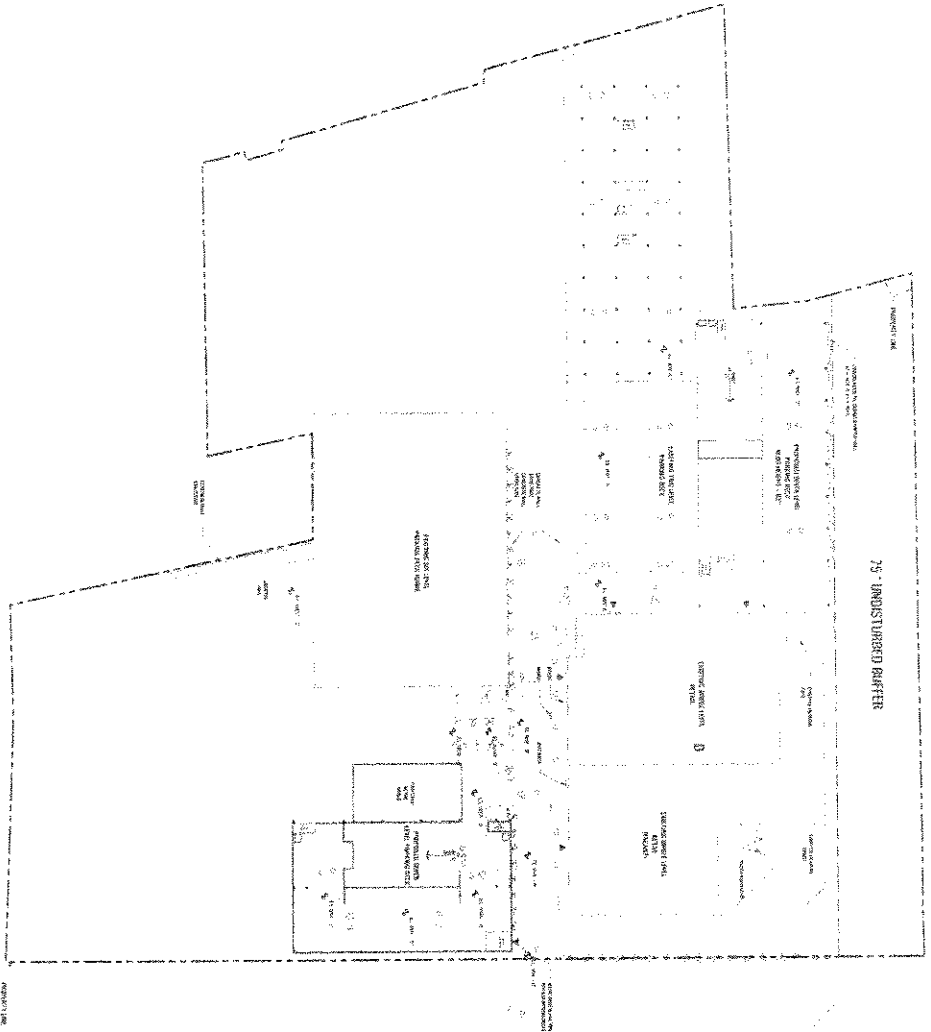


1 REFERENCE PLAN, LEVEL P3

	<p>BUCKHEAD PLACE MASTER SITE PLAN FOR PD-OC ZONING</p>	<p>11.2.07 9.24.08</p>		<p>REFERENCE PLAN LEVEL P3 ROOF VIEW</p>	<p>CORO ATLANTA, GA</p>
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2-07-109



① REFERENCE PLAS. LEVEL P1

	<p>BUREAU OF PLANNING MASTER SITE PLAN FOR PD-02 ZONING</p>	<p>11207 9-24-08</p>	<p>REFERENCE PLAS. LEVEL P1</p>	<p>CORO</p>
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City Council
Atlanta, Georgia

07- 0 -2526

AN ORDINANCE
BY: ZONING COMMITTEE

Z-07-109
Date Filed: 11-2-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **3312-3316 Piedmont Road, N.E. and 3232-3242 Peachtree Road, N.E.**, be changed from the C-1-C (Community Business-Conditional) District to the PD-OC (Planned Development-Office Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lots 61 and 62, 17th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey.

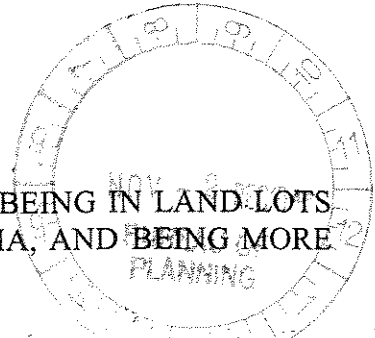
SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

**LEGAL DESCRIPTION
BUCKHEAD PLACE**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 61 AND 62, 17TH DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



BEGINNING AT A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF PEACHTREE ROAD/S.R. 141 (80' RIGHT-OF-WAY), AS LOCATED 186.20' SOUTHWESTERLY OF THE INTERSECTION OF SAID RIGHT-OF-WAY LINE (IF PROJECTED) WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PIEDMONT ROAD/S.R. 237 (R.W WIDTH VARIES); THENCE, ALONG SAID PEACHTREE ROAD RIGHT-OF-WAY LINE THE FOLLOWING CALLS: SOUTH 53 DEGREES 04 MINUTES 56 SECONDS WEST A DISTANCE OF 225.21 FEET TO A POINT, SOUTH 51 DEGREES 02 MINUTES 08 SECONDS WEST A DISTANCE OF 49.79 FEET TO A POINT AND SOUTH 50 DEGREES 44 MINUTES 37 SECONDS WEST A DISTANCE OF 231.06 FEET TO A POINT; THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 25 DEGREES 29 MINUTES 55 SECONDS WEST A DISTANCE OF 286.72 FEET TO A POINT; THENCE SOUTH 60 DEGREES 13 MINUTES 45 SECONDS WEST A DISTANCE OF 69.96 FEET TO A POINT; THENCE SOUTH 50 DEGREES 59 MINUTES 08 SECONDS WEST A DISTANCE OF 100.08 FEET TO A POINT; THENCE NORTH 24 DEGREES 42 MINUTES 30 SECONDS WEST A DISTANCE OF 361.19 FEET TO A POINT; THENCE NORTH 24 DEGREES 54 MINUTES 35 SECONDS WEST A DISTANCE OF 179.07 FEET TO A POINT; THENCE NORTH 24 DEGREES 27 MINUTES 30 SECONDS WEST A DISTANCE OF 59.93 FEET TO A POINT; THENCE NORTH 25 DEGREES 35 MINUTES 04 SECONDS WEST A DISTANCE OF 39.29 FEET TO A POINT; THENCE NORTH 65 DEGREES 35 MINUTES 06 SECONDS EAST A DISTANCE OF 355.46 FEET TO A POINT; THENCE NORTH 65 DEGREES 36 MINUTES 51 SECONDS EAST TO A DISTANCE OF 499.92 FEET TO A POINT ON SAID PIEDMONT ROAD RIGHT-OF-WAY; THENCE, ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING CALLS: SOUTH 22 DEGREES 24 MINUTES 58 SECONDS EAST A DISTANCE OF 207.20 FEET TO A POINT, SOUTH 23 DEGREES 11 MINUTES 50 SECONDS EAST A DISTANCE OF 25.70 FEET TO A POINT AND SOUTH 25 DEGREES 43 MINUTES 58 SECONDS EAST A DISTANCE OF 102.12 FEET TO A POINT; THENCE, LEAVING SAID RIGHT-OF-WAY LINE; SOUTH 53 DEGREES 47 MINUTES 21 SECONDS WEST A DISTANCE OF 289.93 FEET TO A POINT; THENCE SOUTH 24 DEGREES 33 MINUTES 21 SECONDS EAST A DISTANCE OF 99.94 FEET TO A POINT; THENCE NORTH 53 DEGREES 29 MINUTES 18 SECONDS EAST A DISTANCE OF 100.12 FEET TO A POINT; THENCE SOUTH 25 DEGREES 02 MINUTES 31 SECONDS EAST A DISTANCE OF 300.60 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 571,239 SQUARE FEET OR 13.1139 ACRES AS SHOWN ON BOUNDARY SURVEY FOR BRANCH